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MAR 16 2005

In re Application of:  
Peter Kofink et al.  
Serial No.: 09/912,477  
Filed: July 26, 2001  
For: STEERING COLUMN MODULE

DECISION ON PETITION

This is a decision on the petition, filed December 12, 2003, to withdraw the holding of abandonment of the above-identified application.

The petition is GRANTED.

This application was held abandoned for failing to file a proper reply to the final Office action of February 27, 2003. A Notice of Abandonment was mailed on November 10, 2003.

Petitioner states that a response including a Request for Continued Examination (RCE) was in fact timely filed on July 28, 2003. To support this assertion, petitioner has submitted a copy of the response that includes a request for RCE, a petition for extension of time with the fee to be charged to petitioner's Deposit Account. It is also indicated in petition that a copy of a fax confirmation sheet indicating error-free transmission on July 28, 2003 was enclosed.

The request for RCE and the petition for extension of time each bears a certificate of transmission under 37 CFR 1.8(a) with a transmission date of July 28, 2003.


The originally transmitted Request for RCE and petition for extension of time are not in the file record. However, the finance record shows that the RCE and petition for an extension of time was received on July 28, 2003 and the fees of \$430 and \$750, respectively, were collected on August 11, 2003. The RCE fee of \$750 was credited back to petitioner's account on August 14, 2003, reasons unclear. The RCE requests that the amendment filed May 8, 2003 (received in the Office May 9, 2003) be entered as the required submission. It is apparent from the file record that an RCE was timely filed and the application is not abandoned in fact.

In view of the above stated reasons, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn. Inconvenience to petitioner is regretted.

The copy of the RCE submitted with the petition is hereby accepted since the originally filed RCE is apparently lost.

The RCE will be processed and an Office action will be issued in due course.

Inquiries regarding this decision should be directed to Hien H. Phan, Special Programs Examiner, at (571) 272-1606.



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